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E.O. 11652: GDS
TAGS: SHUM, AR
SUBJECT: HUMAN RIGHTS ROUNDUP

1. INTRODUCTION

THIS CABLE CONTAINS A POTPOURRI OF
RECENT EVENTS IN ARGENTINA WHICH THE
DEPARTMENT MAY WISH TO DRAW ON IN RESPONDING
TO THE WIDE RANGE OF HUMAN RIGHTS INQUIRIES
IT RECEIVES. END INTRODUCTION

2. RADICAL PARTY PETITIONERS TO BE INDICTED
FEDERAL POLICE ANNOUNCED ON APRIL 24
THAT CHARGES WOULD BE BROUGHT AGAINST 37-RADICAL
PARTY LEADERS FOR ISSUING A POLITICAL COMMUNIQUE
IN VIOLATION OF LAW 21,323 WHICH PROHIBITS
POLITICAL ACTIVITIES. (SEE BUENOS AIRES 3490.) THE RADICALS'
COMMUNIQUE ENTITLED "FOR UNION PEACE JUSTICE AND SECURITY" INTER-

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ALIA WARNED THE ARMED FORCES AGAINST CREATING A
POLITICAL PARTY OF THEIR OWN AS "THE ARMED FORCES

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MUST BE THE SYMBOL OF NATIONAL UNION AND NEVER A FACTION." THIS IS ONE STAGE MORE IN AN ONGOING SQUABBLE BETWEEN THE MILITARY GOVERNMENT AND FORMER POLITICAL LEADERS, WITH THOSE LEADERS PRESSING HARD AGAINST THE GOVERNMENT'S BAN IN A SITUATION THAT FINDS THE GOVERNMENT ITSELF WAVERING BETWEEN A TOUGH LINE AND DELIVERATELY OVERLOOKING SOME VIOLATIONS.

3. POLICE PROCEDURES ANNOUNCED

BECAUSE OF A NUMBER OF PSEUDO-POLICE OPERATIONS, THE CHIEF OF THE FEDERAL POLICE PUBLICLY ANNOUNCED ON APRIL 7 THAT PRIOR TO ANY SEARCHES OF A RESIDENCE POLICE OFFICERS ARE REQUIRED TO IDENTIFY THEMSELVES WITH THEIR CREDENTIALS. FURTHERMORE, A RECEIPT FOR ANY PROPERTY REMOVED FROM THE PREMISES WILL BE LEFT SIGNED BY THE POLICE OFFICERS, THE OWNER, AND TWO WITNESSES.

4. NEW JAIL TO BE INAUGURATED

ON APRIL 19 A POLICE SPOKESMAN ANNOUNCED THAT THE NEW BUENOS AIRES JAIL WILL BE PUT IN OPERATION THIS YEAR. THE JAIL IS DESIGNED FOR 1,860 INMATES AND ACCORDING TO OFFICIAL SOURCES WILL CONTAIN MODERN FACILITIES FOR SPIRITUAL, EDUCATIONAL, CULTURAL AND SPORTS ACTIVITIES.

5. GENERAL SUBVERSIVE LAW TO BE EXPANDED

ON APRIL 27, THE MINISTRY OF DEFENSE SUBMITTED TO THE LEGISLATIVE ADVISORY COMMISSION (CAL) A PROPOSAL TO EXTEND THE PRESENT SCOPE OF LAW 20,840 WHICH COVERS CRIMES AGAINST THE INSTITUTIONAL ORDER AND THE SOCIAL

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PEACE. THE PROPOSAL IS TO INCLUDE THOSE PERSONS RESPONSIBLE FOR INSTIGATING SUBVERSIVE ACTS, AS WELL AS THE AUTHORS AND THEIR ACCOMPLICES WHO ARE COVERED UNDER THE PRESENT LEGISLATION. (NOTE: LAW 20,840 IS THE BASIC ANTI-SUBVERSIVE LEGISLATION IN ARGENTINA.)

6. BODIES OF "DISAPPEARED" GUERRILLAS DISCOVERED

ON APRIL 3, A CAPTURED ERP MEMBER LED PERSONNEL OF THE ARMY'S 3RD CORPS AND A GROUP OF REPORTERS TO AN ABANDONED HOUSE OUTSIDE OF RIO TERCERO, CORDOBA PROVINCE. THERE THE BODIES OF TWO ERP GUERRILLAS WHO WERE WOUNDED IN AN ATTACK ON AUGUST 5, 1974 AGAINST

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ARMY EXPLOSIVE FACTORY IN VILLA MARIA WERE DISCOVERED. THE GUERRILLAS REPORTEDLY DIED DUE TO LACK OF MEDICAL ATTENTION AND WERE SECRETLY BURIED BY THEIR COMPANIONS AND THEN LATER REPORTED AS DISAPPEARED.

7. FRENCH MISSIONARIES REPATRIATED
IN DISCUSSIONS BETWEEN ARGENTINE GOVERNMENT AND FRENCH EMBASSY OFFICIALS AFTER THE DISAPPEARANCE OF THE TWO FRENCH NUNS IN EARLY DECEMBER 1977, MEMBERS OF AN ARGENTINE SECURITY SERVICE IDENTIFIED TWO OTHER FRENCH MISSIONARIES WHOSE PRESENCE IN ARGENTINA MIGHT OCCASION TROUBLE. ACCORDING TO FRENCH EMBASSY SOURCES, FATHER JULIEN DENIS OF THE CONGREGATION OF MONTFORTAINS AND A FRENCH NUN COMPLIED WITH A SUGGESTION FROM THE FRENCH EMBASSY TO LEAVE ARGENTINA.

8. MONTES PAINTS OPTIMISTIC VIEW OF US/ARGENTINE RELATIONS
IN A RECENT SPEECH BEFORE A GROUP OF PROMINENT INDUSTRIAL REPRESENTATIVES, FOREIGN MINISTER MONTES PAINTED A ROSY PICTURE OF THE STATE OF ARGENTINE FOREIGN RELATIONS. ASKED ABOUT THE IMPACT OF HUMAN RIGHTS ACTIVISTS IN THE US ON ARGENTINE/US RELATIONS, MONTES REPLIED THAT BILATERAL RELATIONS WERE PERFECTLY

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NORMAL AND THAT ARGENTINA SHOULD NOT ALLOW PASSING IRRITATIONS TO GET IN THE WAY OF LONG-TERM INTERESTS WHICH CALLED FOR A MUTUALLY DEPENDENT AND CONSTRUCTIVE RELATIONSHIP. THE ONLY SORE SPOT IN THE INTERNATIONAL PICTURE WHICH MONTES ACKNOWLEDGED WAS THE WESTERN EUROPEAN SCENE. HE FORCEFULLY REPUDIATED THE MONTONERO PROPAGANDA CAMPAIGN-CURRENTLY BEING CARRIED OUT AGAINST ARGENTINA FROM WESTERN EUROPE, IMPLICITLY CRITICIZING EUROPEAN GOVERNMENTS FOR BEING AMBIVALENT IN THE FACE OF THESE PROVOCATIONS. REFLECTING THE PREVAILING CONVENTIONAL WISDOM IN GOA CIRCLES, MONTES MUSED THAT PERHAPS THE RECENT WAVE OF TERRORISM IN ITALY WOULD CHANGE EUROPEAN IDEAS ABOUT THE WAY ARGENTINA HAD CONDUCTED ITS ANTI-TERRORIST CAMPAIGN.

9. JUDICIAL PROCEDURE ESTABLISHED FOR PRISONER MISTREATMENT
THE SUPREME COURT DECIDED ON APRIL 27 THAT FEDERAL CRIMINAL JUDGES ARE THE COMPETENT JUDICIAL

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AUTHORITIES TO RECEIVE COMPLAINTS OF PRISONER MIS-
TREATMENT. UNTIL THAT DECISION FEDERAL CRIMINAL JUDGES
HAD REFUSED TO ENTERTAIN PRISONER CHARGES OF MIS-
TREATMENT, CLAIMING THAT THEY SHOULD BE ADJUDICATED

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IN THE ADMINISTRATIVE TRIBUNALS. HOWEVER, PRISONER
MISTREATMENT CASES SUBMITTED TO THE ADMINISTRATIVE
COURTS WERE ROUTINELY DISMISSED FOR LACK OF STANDING.

A FEMALE PRISONER FILED A PETITION CLAIMING THAT
SHE WAS BEING INCARCERATED UNDER CONDITIONS WHICH
VIOLATED THE NORMS ESTABLISHED BY THE ARGENTINE
CONSTITUTION. HER COMPLAINT WAS REJECTED-ON PROCEDURAL
GROUNDS BY BOTH THE CRIMINAL AND THE ADMINISTRATIVE
COURTS. SHE THEN APPEALED TO THE SUPREME COURT, WHICH
DECIDED THAT THE JURISDICTION SHOULD BE PLACED IN THE
HANDS OF THE PRESIDING CRIMINAL JUDGE WHO WAS IN A POSITION TO
VERIFY THE CONDITION OF THE PRISONER AT THE TIME OF
SENTENCING, HAD RESPONSIBILITY FOR THE CONDITIONS OF THE
PRISONER'S DETENTION, AND CONSEQUENTLY HAD AUTHORITY TO
CALL TO THE ATTENTION OF PENAL AUTHORITIES ANY FAULTS
OR DEFECTS IN THE PRISONER'S TREATMENT.

10. SECURITY FORCE OPERATIONS
ACCORDING TO INFORMATION RECEIVED FROM NEXT OF KIN

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REPORTS, THE PERMANENT ASSEMBLY AND THE MOVIMIENTO ECUMENICO POR LOS DERECHOS HUMANOS (MEDH), THERE APPEARS TO BE A SHIFT IN SECURITY OPERATIONS TARGETING. FEWER PROFESSIONALS AND PERONIST YOUTH MOVEMENT STUDENTS ARE DISAPPEARING. HOWEVER, OPERATIONS IN BUENOS AIRES PROVINCE HAVE BEEN INTENSIFIED AGAINST MEMBERS OF THE PARTIDO COMUNISTA REVOLUCIONARIO (A MAOIST PARTY THAT CLAIMS TO BE NON-TERRORIST), URUGUAYAN EXILES, AND SHOP FLOOR UNION LEADERSHIP. THE NUMBER OF OPERATIONS APPEARS TO HAVE BEEN STEADY OVER THE LAST THREE MONTHS, AND THE TARGETING SHIFT APPEARS TO BE BASED ON EFFORT EFFECTIVENESS. A RELIABLE EMBASSY SOURCE HAS NOTED THAT THE ARGENTINE COMMUNIST PARTY (PCA) HAS BEEN ATTEMPTING TO DEVELOP SUPPORT AMONG WORKERS IN FACTORY AREAS, BUT HAS NOT MADE PROGRESS DUE TO REMAINING STRONG PERONIST SYMPATHIES. THE PCA IS ALSO OPERATING IN THE UNIVERSITIES AND HAS SET UP THE REFORMIST ORGANIZATIONAL MOVEMENT (MOR) WHICH IS SEEKING TO IDENTIFY STRONGLY WITH THE STUDENTS. ALTHOUGH SECURITY FORCES SURVEILLANCE OF PCA OPERATIONS IS TIGHT, THERE HAVE BEEN ONLY SPORADIC OPERATIONS AGAINST PARTY MEMBERS. A PERSON CONNECTED WITH THE PCA REPORTED THAT 25 PCA MEMBERS WERE REPORTED TO HAVE DISAPPEARED OR TO HAVE BEEN KILLED IN 1977. ANOTHER PCA SOURCE CLAIMS THAT ABOUT 100 HAVE DISAPPEARED SINCE MARCH, 1976.

11. AISC LIST DELIVERED TO GOA

THE EMBASSY PRESENTED AN UPDATED LIST OF PERSONS REPORTED MISSING AND DETAINED IN ARGENTINA PREPARED BY THE ARGENTINE INFORMATION AND SERVICE CENTER (AISC) TO THE FOREIGN MINISTRY-ON APRIL 17. THE LIST WAS TRANSMITTED UNDER COVER OF AN AIDE MEMOIRE STATING THAT ALTHOUGH THE USG HAD NO MEANS OF VERIFYING THE INFORMATION

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CONTAINED IN THE TRANSMITTED LIST, IT WISHED TO MAKE THE LIST AVAILABLE TO THE GOA FOR ITS USE.

THE LATEST EDITION OF THE AISC LIST IS A MARKED IMPROVEMENT OVER THE ROUGHER EARLIER EDITIONS, BUT THE

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LIST IS STILL FAR FROM SATISFACTORY. IT IS, IN FACT, A POTPOURRI OF LISTS AND CONSEQUENTLY SUFFERS FROM THE SHORTCOMING OF ITS SOURCES. THE DOCUMENT CONTAINS A MIX OF DISAPPEARANCES, DETENTIONS AND KILLINGS--SOME PRIOR TO MARCH 1976. FIVE TO TEN PERCENT OF THE ENTRIES CONTAIN LITTLE OR INCOMPLETE INFORMATION. OBVIOUS DUPLICATIONS ARE BRACKETED IN THE LATEST LIST, BUT THERE ARE STILL A SMALL NUMBER OF OTHER POSSIBLE DUPLICATIONS.

THE MAJOR PROBLEM WITH THE LIST IS THAT IT IS NOT COMPLETE, EVEN IN SUCH "EASY" CATEGORIES AS PEN DETAINEES. A 20 PERCENT RANDOM SAMPLE OF THE US INTEREST DISAPPEARED AND DETAINED CASES WHICH HAVE BEEN PRESENTED TO THE FOREIGN OFFICE WAS CHECKED WITH THE LIST'S ENTRIES AND ONLY HALF OF THESE CASES APPEARED ON THE AISC LIST.

THE AISC LIST'S OBVIOUS SHORTCOMINGS ALLOW ITS USEFULNESS AS A REFERENCE DOCUMENT TO BE CLOUDED. AFTER ADJUSTING FOR ITS ERRORS, IT STILL APPEARS TO BE A REPORT OF CLOSE TO 9,000 DETENTIONS AND DISAPPEARANCES WHICH CAN BE ACCEPTED AS AN INDICATOR OF THE MAGNITUDE OF ARGENTINA'S HUMAN RIGHTS PROBLEM.

12. SELF-ARREST PROGRAM

INFORMATION REGARDING REDUCED SENTENCES GIVEN TO FIVE SUBVERSIVES WHO VOLUNTARILY TURNED THEMSELVES IN TO GOVERNMENT AUTHORITIES RECEIVED WIDE PRESS PLAY ON APRIL 19 AND 20. FIVE SUBVERSIVES, THREE FEMALE ERP MEMBERS AND TWO MALE MONTONEROS, WERE CONVICTED FOR DISTRIBUTION OF ILLEGAL PROPAGANDA AND RECEIVED SENTENCES RANGING FROM 8 TO 25 YEARS. UNDER THE TERMS OF THE "SELF ARREST" PROGRAM, THEY WILL SERVE ONLY ONE-THIRD OF THEIR SENTENCES IN SPECIAL PENAL FACILITIES WHERE NO REGULARLY ARRESTED SUBVERSIVES WILL

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BE DETAINED. HUSBANDS AND WIVES WILL BE ALLOWED TO STAY TOGETHER AND YOUNG CHILDREN WILL NOT BE SEPARATED FROM THEIR MOTHERS.

13. POLICE ACTIVITIES REPORTED

FEDERAL POLICE OFFICIALS MADE A NUMBER OF ANNOUNCEMENTS REGARDING POLICE OPERATIONS ON MARCH 22. THE OFFICIALS STATED THAT THE VIRTUAL ANNIHILATION OF SUBVERSION HAS PERMITTED THE POLICE TO INCREASE THEIR NORMAL ACTIVITIES. THE DIGICOM SYSTEM IS NOW BEING UTILIZED TO ITS FULL CAPACITY OF 80,000

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IDENTIFICATIONS WEEKLY. POLICE CHIEF OJEDA STATED THAT PERSONS UNDER THE PEN FOR ECONOMIC CRIMES WILL CONTINUE IN THAT STATUS UNTIL THE EXISTING LAWS ARE AMENDED TO ALLOW THEM TO BE TRIED. CRIMES AGAINST PROPERTY FELL IN THE LAST HALF OF 1977 BY 2 PERCENT IN COMPARISON WITH THE SAME PERIOD IN 1976, SOLVED CASES INCREASED TO 62 PERCENT AGAINST 53 PERCENT FOR THE FIRST HALF OF THE YEAR. AUTO-MOBILE THEFT ALSO FELL. POLICE EFFORTS AGAINST DRUGS HAVE BEEN SUCCESSFUL WITH THE CAPTURE OF OVER 8,000 KILOS IN THE LAST HALF OF 1977, COMPARED WITH 5,000 CAPTURED KILOS IN THE FIRST 6 MONTHS. INCREASING ATTENTION IS BEING FORCUSED ON ECONOMIC CRIMES.
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